

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS
OF SAN BERNARDINO COUNTY, CALIFORNIA
AND RECORD OF ACTION**

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March 23, 2004

FROM: KEN A. MILLER, Director
Department of Public Works – Solid Waste Management Division

SUBJECT: AMENDMENT NO. 1 TO STANDARD LICENSE AGREEMENT BETWEEN THE COUNTY
OF SAN BERNARDINO AND TIMBER HARVESTERS

RECOMMENDATION:

- 1) Approve a standard form Amendment No. 1 to the standard form of license agreement with timber harvesters primarily to increase the amount of fees and security deposits received from harvesters utilizing property at the Lake Arrowhead Dam as a staging area for wood and wood products processing.
- 2) Authorize the Director of the Department of Public Works or the Division Manager of the Solid Waste Management Division to execute standard form amendments to existing license agreements with timber harvesters and/or execute new standard form license agreements between the County and qualified timber harvesters to process trees at the Lake Arrowhead Dam site that are either dead or damaged as a result of the bark beetle infestation.

BACKGROUND INFORMATION: On January 14, 2003, the Board approved the standard form of license agreements with timber harvesters who utilize an area at the Lake Arrowhead Dam as a staging area for wood and wood products processing. At that same meeting, the Board also authorized the Director of the Public Works Department to execute the license agreements between the County and the timber harvesters. These actions were in response to the local emergency on public and private lands located in the San Bernardino and Angeles National Forests resulting from the bark beetle infestation and the related drought. These actions were also in accordance with Phase 2 of the Bark Beetle Response Plan (includes development of a local staging area for citizens and businesses to use to assist in the management of logs, wood and slash when trees are trimmed or felled, and alternatives for the use or disposal of any by-product or end product of the tree felling and staging area operations), and the December 17, 2002 Board action directing the Solid Waste Management Division (SWMD) to initiate and coordinate all aspects in connection with the development of two staging areas (one located in Lake Arrowhead and the other located at the San Bernardino International Airport). The aforementioned license agreements represent only the Lake Arrowhead staging area.

Approval of Recommendation No.1 would amend the original standard form of license agreement to include the following modifications:

- Increase the amount of the security deposit provided by the Licensee from a flat \$25,000 to \$25,000 for the first acre plus \$10,000 per acre (or a prorated portion thereof) for each acre (or portion of an acre) in excess of one acre.

Record of Action of the Board of Supervisors

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- Increase the amount of fees paid by the Licensee to the County from a flat \$1 to \$300 per acre per month (or the prorated portion of \$300 for each part of an acre per month) to assist with funding operating costs of the Lake Arrowhead wood-processing site and compensate Special District for the use of the land.
- Extend the initial term of the license agreement from 3 to 12 months.

Approval of Recommendation No. 2 would add the Division Manager of SWMD as an additional person authorized to execute the standard license agreement or standard license amendment with qualified timber harvesters.

REVIEW AND APPROVAL BY OTHERS: This item was reviewed by Deputy County Counsel Robert L. Jocks (387-5435) on March 16, 2004, and the County Administrative Office (Tom Forster, Administrative Analyst, 387-4635) on March 15, 2004.

FINANCIAL IMPACT: SWMD will receive the sum of \$300 per acre per month (or prorated portion of \$300 for each part of an acre per month) from licensed timber harvesters to process dead and damaged trees at the staging area established near the Lake Arrowhead Dam. Based on approximately 23 total acres available for licensing, the most that SWMD would receive is approximately \$7,000 per month. These funds received will be deposited in SWMD's Operations Budget (Fund: EAA).

SUPERVISORIAL DISTRICT(S): All.

PRESENTER: Peter H. Wulfman, 386-8703.

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